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ATTORNEYS AND COUNSELORS AT LAW

February 11, 2016

Environmental Protection Agency
Regional Freedom of Information Officer
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

In the Matter of: The Burlington Northern and Santa Fe Railway Company –
Libby Rail Yard, Montana, Libby Asbestos Site, ca; 2001-
2002

To Whom it May Concern:

This is a request for information under the Freedom Of Information Act for information pertaining to the above captioned EPA activity, case or investigation.

For your orientation, I am enclosing a document entitled "Administrative Order on Consent for Removal Action". This document was produced in private litigation but should orient you to the historical EPA investigation , activity or case that I am referring to.

The information requested herein is being requested as part of private litigation and not for commercial purposes. Our office will reimburse your agency for any and all standard charges associated with request for this nature, together with mailing and/or clerical expenses reasonably required.

We would appreciate receiving copies of any of the following documents in your possession:

1. EPA's file copy of the document enclosed which bears the agency's stamp or other indicia of authenticity
2. A copy of the final Administrative Order on Consent For Removal action which was actually agreed to, and which bears the signatures of the EPA and an officer of the Burlington Northern and Santa Fe Railway

3. Copies of all action memoranda generated as part of this EPA proceeding whether or not made part of any final Administrative Order.
4. Copy of the property description which delineates or defines the scope of the final Administrative Order.
5. Copies of the approved work plan(s) pertaining to the final Administrative Order.
6. Copies of the monitoring data or other underlying scientific report received by EPA from the Respondent, Burlington Northern and Santa Fe Railway Company, outlined in paragraph 12 of the attached document. This would include data from the "baseline monitoring along the tracks conducted by respondent", and data from the "22 surface soil samples" also described in paragraph 12 of the attached document.
7. Copies of any correspondence received by EPA from the Respondent, or sent by EPA to the Respondent, Burlington Northern and Santa Fe Railway Company, with respect to the drafting of the final Administrative Order.
8. Copies of any final report summarizing the actions taken by respondent to comply with the final administrative order pertaining to this matter, including all certifications and attachments.
9. Copies of correspondence, if any, received by EPA from the Respondent, Burlington Northern and Santa Fe Railway Company with respect to the termination of their document retention period or otherwise pertaining to their potential destruction any such records or documents pertaining to this activity, case or investigation.

Our office appreciates your prompt response to this request, and would welcome your call if there if anything requires clarification or advance payment. We will honor your statement of administrative charges upon receipt of the documents.

Yours truly,

John Roven

John Roven

JDR/ho
Enclosure